

institute foreclosure proceedings thereafter, and may be enjoined from doing so; or party authorized to redeem and who made tender, may except to mortgage sale. *Kent Bldg. Co. v. Middleton*, 112 Md. 17.

Under this section and sec. 11, where a trustee or attorney offers property at public sale in accordance with mortgage and withdraws it because he does not receive a satisfactory bid, he is authorized to sell property at private sale subject to ratification of court, and court has jurisdiction to set aside or ratify sale. The jurisdiction of court becomes complete on the filing of report of sale; until then proceedings are *ex parte*. Object of this section. *Beetem v. Garrison*, 129 Md. 671.

A case will not be reversed because report of sale does not state terms, nor compliance with them by purchasers—the report should be seasonably amended. Terms of sale, held reasonable. *White v. Malcolm*, 15 Md. 542.

Report held to be substantially correct. Change in terms of sale. *Hubbard v. Jarrell*, 23 Md. 79.

The sale is not a complete contract, and when reported is merely an offer not accepted until ratified by court. *Hanover Fire Ins. Co. v. Brown*, 77 Md. 71.

Until report is filed, proceedings are *ex parte*. Similarity between this section and local law applicable to Baltimore City. *Albert v. Hamilton*, 76 Md. 307; *McCabe v. Ward*, 18 Md. 509.

This section referred to in determining that a corporation could not exercise a power of sale under sec. 6. *Frostburg Bldg. Assn. v. Lowdermilk*, 50 Md. 179.

This section referred to in construing sec. 16. *Webb v. Haeffer*, 53 Md. 191.

This section referred to in construing sec. 8—see notes thereto. *Hebb v. Mason*, 143 Md. 356.

Cited but not construed in *Gaither v. Tolson*, 84 Md. 641; *Warfield v. Dorsey*, 39 Md. 308; *Dill v. Satterfield*, 34 Md. 53; *Assurance Corp. v. State*, 163 Md. 126; *Blanch v. Collison*, 174 Md. 431.

See notes to secs. 1 and 8.

An. Code, 1924, sec. 10. 1912, sec. 10. 1904, sec. 10. 1888, sec. 10. 1826, ch. 192, sec. 5.

11. If such sale be set aside by the court, a re-sale may be ordered to be made by the party who made the previous sale, or the court may, if justice requires it, appoint a trustee to sell the same.

Cited in dissenting opinion in *Bilbrey v. Strahorn*, 153 Md. 499.

Cited but not construed in *Allen v. Seff*, 160 Md. 241; *Assurance Corp. v. State*, 163 Md. 126; *Kelly v. Bldg. Assn.*, 166 Md. 186; *Mortgage Co. v. Matthews*, 167 Md. 386, 392.

It is not absolutely necessary that court should order re-sale, and a sale made without such order, will not be set aside. *Reeside v. Peter*, 35 Md. 222.

For a case reversed in the court of appeals, and a re-sale ordered under this section, see *Chilton v. Brooks*, 69 Md. 587.

Cited but not construed in *Dircks v. Logsdon*, 59 Md. 178; *Basshor v. Stewart*, 54 Md. 379.

See notes to sec. 10.

An. Code, 1924, sec. 11. 1912, sec. 11. 1904, sec. 11. 1888, sec. 11. 1826, ch. 192, sec. 4. 1836, ch. 249, sec. 7.

12. All such sales, when confirmed by the court and the purchase money is paid, shall pass all the title which the mortgagor had in the said mortgaged premises at the time of the recording of the mortgage.

After foreclosure sale had been ratified, held that application to bankruptcy court for relief from mortgage foreclosure sale came too late. *Compton v. Birnie Tr. Co.*, 76F (2d) 639.

Until foreclosure sale has been ratified, bankruptcy court has jurisdiction of property of bankrupt. *Bradford v. Fahey*, 76F (2d) 628.

Status of purchaser of realty on mortgage foreclosure sale is that of one offering to purchase the property, and equitable title remains in mortgagor until final ratification of sale by Court. *In Re Bradford*, 7 F. Supp. 665.

Where sale at foreclosure has been ratified by Court, no right or title remains in mortgagor. *In Re Compton*, 7 F. Supp. 676.

The principle stated in this section is applicable to all decrees made under the direction of a court of chancery. *Mizen v. Thomas*, 156 Md. 323.

Cited but not construed in separate opinion in *Hammond v. Lyon Realty Co.*, 163 Md. 476; *Williams v. Safe Dep. & Tr. Co.*, 167 Md. 504.

Where the tax affidavit is not made to a mortgage when it is originally recorded, the re-filing of such mortgage a month later and after affidavit is made does not make it a new instrument, so that if mortgagor has divested himself of his equity of redemption, there is no title upon which a subsequent mortgage sale could operate; the identity of the mortgage is not changed. See notes to art. 21, sec. 34. *Tolson v. Williams*, 136 Md. 615.